

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**CENTENNIAL PUERTO RICO
LICENSE CORP.,**

v.

CIVIL NO. 06-1326(DRD)

**MUNICIPALITY OF PONCE,
and FRANCISCO ZAYAS SEIJO,
Defendants**

MOTION	ORDER GRANTING DECLARATORY JUDGMENT
<p>Date Filed: 06/19/06 Docket #9 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion for a Brief Stay of Proceedings</p>	<p>DENIED. In light of the Court of Appeals for the First Circuit's holding in <i>Puerto Rico Telephone Company, Inc. v. Municipality of Guayanilla</i>, No. 05-1400, 2006 WL 1545067 (1st Cir. June 7, 2006) and the municipality's request to stay the proceedings because it deems that the challenged municipal ordinance will run similar fate as the one in <i>Municipality of Guayanilla</i> (municipal ordinance preempted by §253 of the Federal Telecommunications Act), the Court deems that there is no legal grounds to stay the instant proceedings until the municipal assembly decides to repeal the Ordinance No. 25, and the instant case turn moot.</p> <p>Therefore, the Court hereby GRANTS plaintiff's request for Declaratory Judgment against the defendant for the same reasons as the <i>Municipality of Guayanilla</i>, precedent which is directly in point. Due to the similarity amongst the municipal ordinance declared null and void in <i>Municipality of Guayanilla</i>, and the Ponce's municipal ordinance, as admitted by defendants in the instant motion, the Municipality of Ponce's Ordinance No. 25 is declared null and void in light of Guayanilla. Should the Court of Appeals reconsider or modify its holding in <i>Municipality of Guayanilla</i>, plaintiff may move to reopen the instant case. Otherwise, once the Municipality of Ponce enacts the new municipal ordinance according to the parameters provided by the Court of Appeals, plaintiff may file anew a complaint should it deemed proper. Judgment shall be entered accordingly.</p>

IT IS SO ORDERED.

In San Juan, Puerto Rico this 21st day of June 2006.

**S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE**